



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

JOHN A. LASOTA, JR.
ATTORNEY GENERAL

October 26, 1978

Mr. Robert M. Jarrett, Jr.
Chief Deputy County Attorney
Office of Cochise County Attorney
P.O. Drawer CA
Bisbee, AZ 85603

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Re: 178-254 (R78-290)

Dear Mr. Jarrett:

This is in response to your letter of September 28, 1978 where you requested that we revise or concur in your opinion to Mr. James F. Graff of Cochise College. Mr. Graff was concerned whether the Open Meetings Law was applicable to a council on which he serves.

For the reasons set forth hereinafter, we respectfully decline to review your opinion to Mr. Graff.

First, the authority for this Office to review county attorneys' opinions on school matters comes solely from Arizona Revised Statutes Section 15-122B. The school matters to which this provision refers are those related to the "ministerial powers and duties" of the Superintendent of Public Instruction. See, A.R.S. § 15-122A 1-7. The Superintendent of Public Instruction, however, does not have powers and duties in regard to community colleges.

The "administrative powers and duties" of the Superintendent are delineated in A.R.S. § 15-121. Subsection 1 thereof states that the Superintendent shall "superintend the public schools of the state." Community colleges do not come within the purview of this authority. They are under the authority and primary control of the State Board of Directors for Community Colleges, see A.R.S. § 15-656, and secondarily are under the control of the community college district governing boards. See A.R.S. § 15-676.01.

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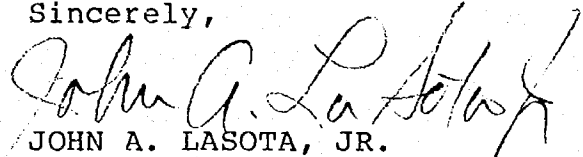
In prescribing the duties and powers of these two boards, the Legislature has not chosen to include a provision similar to A.R.S. § 15-122B. In fact, there is no mention of the County Attorney or Attorney General at all in the provisions governing community colleges.

The authority for the County Attorney to render opinions relating to the Community College District Governing Board is derived from those statutes which prescribe generally the duties of the County Attorney. See, Atty.Gen. Op. 63-36 L (enclosed herein).

Except for A.R.S. § 15-122B, (discussed above) the Legislature has not given the Attorney General the authority to review County Attorney opinions. A.R.S. § 41-193A(7) only gives us the authority to issue opinions, when requested, to state officers and county attorneys on "questions of law relating to their offices". (Emphasis supplied).

If you have any questions concerning the foregoing, please let me know.

Sincerely,



JOHN A. LASOTA, JR.
Attorney General

Enclosure

JAL:mmm